

REMARKS

This is in response to the office action dated October 13, 2010 in which claims 115-117 and 122-142 were rejected. With this response claim 115 is amended and all pending claims 115-142 are presented for consideration and favorable action.

In the Office Action, claim 115 was objected to. With this response, the language in claim 115 is amended and it is believed that the objection may be withdrawn.

Claims 115-117, 122-132, 135-140 and 142 were rejected based upon Gollomp US6424157 in view of Roberts US6570385. However, it is believed the rejection may be withdrawn in view of amended claim 115.

Independent claim 115 includes prompting an operator to input rating information for a battery under test using an input. This is not shown by the combination of Gollomp and Roberts. Gollomp, column 7, lines 63- column 8, line 5 cited in the Office Action refers to retrieving information from a memory. Roberts is cited as showing prompting an input from an operator. However, there is no suggestion that one would apply the teachings to that of Gollomp. Gollomp specifically culls out retrieving information from memory. There is nothing in Roberts or Gollomp which would suggest modifying the teaching of Gollomp to add a prompt for user input regarding battery rating. Therefore, the rejection should be withdrawn.

Independent claim 1 also includes instructing an operator to start the engine of the vehicle through the display. This is also not shown in Gollomp. Specifically, Gollomp appears to be a permanently mounted system. Gollomp appears to simply perform certain tests when the engine is started. There is nothing in Gollomp which describes prompting an operator to start the vehicle. For this additional reason the rejection should be withdrawn.

Independent claim 115 also describes detecting the starting of the engine based upon a voltage measured through electrical connections to the battery. The cited sections of Gollomp (column 6, lines 37-53, s257-s273 in Figure 2B, column 7, lines 48-53 and Figures 2A/B and Abstract), do not show detecting starting of the engine based upon a measured voltage. Therefore, the rejection should be withdrawn. Further, the cited sections of Gollomp do not show detecting starting based upon an electrical connection to the battery. Instead, it appears that a connection to a

starter relay is used as denoted by sensor 136 described in column 6, lines 16-17 of Gollomp. For this additional reason, the rejection should be withdrawn.

Further, independent claim 115 describes providing a “cranking voltage low output”. This is not shown in Gollomp. The cited sections of Gollomp appear to simply show prompting an operator to stop attempting to start the engine because the process of starting an engine is causing the battery to discharge because the engine will not start. Further, independent claim 115 describes providing a cranking voltage normal output. This also does not appear to be shown by Gollomp. The cited sections are the same as those cited in connection with providing a cranking voltage low output and merely appear to describe instructing an operator to stop cranking the engine if it fails to start as this causes the battery to discharge. For this additional reason, the rejection should be withdrawn.

Further still, a “charged battery” output, “cranking voltage low” output and “cranking voltage normal” output are provided to the operator through a display. Gollomp does not appear to provide such outputs to an operator or through a display.

As Gollomp does not show all of the claimed elements, it is believed the present application is in condition for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action’s characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Judson K. Champlin/

Judson K. Champlin, Reg. No. 34,797
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3244
Phone: (612) 334-3222
Fax: (612) 334-3312

JKC:rev